

1 Muriel B. Kaplan, Esq. (SBN 124607)
Michele R. Stafford, Esq. (SBN 172509)
2 SALTZMAN & JOHNSON LAW CORPORATION
44 Montgomery Street, Suite 2110
3 San Francisco, CA 94104
Telephone (415) 882-7900
4 Facsimile (415) 882-9287
mkaplan@sjlawcorp.com
5 mstafford@sjlawcorp.com

6 Attorneys for Plaintiffs

7 Robert D. Swanson, Esq. (SBN 162816)
BOUTIN GIBSON DI GUISTO HODELL, INC.
8 555 Capitol Mall, Suite 1500
Sacramento, CA 95814
9 Telephone (916) 321-4444
Facsimile (916) 441-7597
10

11 Attorneys for Defendants

12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14

15 GIL CROSTHWAITE, RUSS BURNS, in their
respective capacities as Trustees of the
16 OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
17 CALIFORNIA, et al.

18 Plaintiffs,
v.

19 DALECON, INC., a California Corporation and
20 RONALD HENRY STICKNEY, an individual,

21 Defendants.

Case No.: C07-5192 WHA

JOINT REQUEST TO CONTINUE

JUDGE: The Honorable William Alsup

22
23 The parties to the above-entitled action jointly submit this Request to Continue:

24 1. On Wednesday, April 9, 2008, the parties participated in a mediation with
25 Katherine Richey through the Court's mediation program. During the Mediation, certain
26 documents were exchanged and although progress toward a potential resolution was made it
27 became apparent that the parties would have to undertake additional work to address issues and
28

**JOINT REQUEST TO CONTINUE
CASE NO. C07-5192 WHA**

1 questions raised through the mediation. During the Mediation the parties agreed to exchange
 2 additional documents, try to work informally and schedule another mediation as soon as
 3 practicable .

4 2. The parties subsequently exchanged information, and have set informal meetings to
 5 try to work through the remaining issues. The parties have also set August 4, 2008 as a second
 6 mediation date in the event that this matter is not resolved before that time.

8 3. As the parties are working toward resolution, it is requested that the Court continue
 9 the set dates and deadlines so that pretrial work and discovery is not due during negotiations. The
 10 parties are attempting to keep fees and costs at a minimum.

11 4. The following dates are those that the parties wish to continue:

12 Current Discovery Cut Off: September 19, 2008
 13 **Requested new date:** December 19, 2008

14 Current Expert Designation deadline: September 19, 2008
 15 **Requested new date:** December 19, 2008

16 Current Deadline for Dispositive Motions: November 6, 2008
 17 **Requested new date:** February 6, 2009

18 Current Pretrial Conference: January 12, 2009
 19 **Requested new date:** April 13, 2009

20 Current trial date: January 26, 2009
 21 **Requested new date:** April 27, 2009

22 Respectfully submitted,

23 Dated: July 7, 2008

SALTZMAN & JOHNSON LAW CORPORATION

24 _____/s/_____
 25 Michele R. Stafford
 Attorneys for Plaintiffs

26 Dated: July 7, 2008

BOUTIN GIBSON DI GUISTO HODELL, INC

27 _____/s/_____
 28 Robert Swanson
 Attorneys for Defendants

IT IS SO ORDERED:

Pursuant to the request of the parties, and GOOD CAUSE appearing, the following dates are hereby continued as follows:

Current Discovery Cut Off: September 19, 2008

New date: _____

Current Expert Designation deadline: September 19, 2008

New date: _____

Current Deadline for Dispositive Motions: November 6, 2008

New date: _____

Current Pretrial Conference: January 12, 2009

New date: _____

Current trial date: January 26, 2009

New date: _____

Date:

THE HONORABLE WILLIAM H. ALSUP
UNITED STATES DISTRICT COURT JUDGE